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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,665

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Sudhindra Pundaleeka Herle

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05/12/2006

Docket Clerk  
P.O. Drawer 800889  
Dallas, TX 75380

EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/930,665	Applicant(s) HERLE ET AL.	
	Examiner <i>DF</i> Derrick W. Ferris	Art Unit 2616	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**DERRICK FERRIS**  
**PATENT EXAMINER**

The amendment filed 5/4/2006 requires further consideration. In particular, the proposed amendment introduces new issues with respect to claims 17 and 18. Specifically, the proposed amendment raises 112-second paragraph issues with respect to the term "the intercepted traffic" since it is not clear whether applicant is referring to the intercepted traffic from a wireless link to a packet network or from the packet network to the wireless network. As such, prosecution is already closed for the case. Hence the proposed amendment will not be entered since it raises new issues. However, should applicant file an RCE and correct the above deficiency then the examiner is willing to withdraw the rejection for claims 15-20. As such, the obviousness rejection to Ketcham in view of Li is not withdrawn since applicant argues limitations not recited in the filed claims. Examiner does not withdraw the obviousness rejection to Takagi '733 in view of Takagi '148 for some of the claims (see below). The following comments fully address applicant's arguments with respect to the rejection. Applicant's arguments filed 5/4/2006 have been fully considered but they are not persuasive. In particular, Takagi I '733 teaches a TCP relay unit adjusting the MTU sizes between a symmetric network 610 containing a server 111 and an asymmetric network 620 containing a client 122. Specifically, Takagi I '733 teaches bidirectional communication between a client and a server where the communication between the client to server is Vup and the communication between the server and client is Vdown thus teaching distinct MTU sizes. Thus Takagi I '733 teaches adjusting the size between two different networks. Takagi I '733 may not explicitly teach that one of the networks is a wireless network. However, Takagi II '148 cures the above-cited deficiency by clarifying that an asymmetric network can be a wireless network. Thus also providing a further motivation for using a wireless network. Thus the references in combination teach the above-recited limitation. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., several system updates) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner does not withdraw the obviousness rejection to Mulligan et al. ("Mulligan") in view of Lettieri et al. ("Lettieri"). In particular, the examiner notes the same reasoning applies as in the above rejection. Specifically, Mulligan teaches transporting packets from a source node to a destination node that pass through a router (i.e., applicant's packet relay controller). The source node and destination node are interchangeable since data is sent back from the destination node, see e.g., column 7, lines 15-54 with respect to a first node 402 and a second node 414 where data is sent back from node 414 to node 402 at column 7, lines 33-36. Thus a second MTU size is taught by the reference. In addition, Mulligan teaches going between two different types of networks. However, Mulligan may be silent or deficient to a wireless network. Thus the rejection in combination teaches a wireless network even though Lettieri teaches two different networks.